

PROB 12A  
(7/93)

UNITED STATES DISTRICT COURT  
for  
Western District of Texas

**Report on Offender Under Supervision**

Name of Offender: Cesar Andrew Gomez Case Number: A-11-CR-049(07)-LY

Name of Sentencing Judicial Officer: Honorable Lee Yeakel, U.S. District Judge

Date of Original Sentence: August 8, 2011

Original Offense: Possession With Intent to Distribute Five Grams or More of Methamphetamine, in violation of 21 U.S.C. § 841(a)(1) and 21 U.S.C. § 841(b)(1)(B).

Original Sentence: One-Hundred-Twenty (120) Months Imprisonment; Four (4) Years Supervised Release; and \$100.00 Special Assessment.

Type of Supervision: Supervised Release Date Supervision Commenced: March 23, 2021

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**PREVIOUS COURT ACTION**

None.

**NONCOMPLIANCE SUMMARY**

**Violation of Special Condition:** " The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the U.S. Probation Office for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant may be required to contribute to the costs of services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay."

**Violation of Special Condition:** "The defendant shall refrain from the use of alcohol and all other intoxicants during the term of supervision."

**Violation of Mandatory Condition No. 1:** "The defendant shall not commit another federal, state, or local crime during the term of supervision."

**Violation of Standard Condition No. 7:** "The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician."

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**Nature of Non-compliance:** On April 16, 2021, the offender was arrested by the New Braunfels Police Department for Public Intoxication/Public Peace, a Class C Misdemeanor, punishable by up to a \$500.00 fine.

According to the police report, Case Number 21-14769, on Friday, April 16, 2021, at approximately 5:33pm, the New Braunfels Police Department responded to the Razor Tite Barber Shop for a disturbance in progress. The caller advised the offender was intoxicated and approaching people aggressively in the parking lot in of the business. The offender was physically fighting with another male, later identified as his brother. Upon approach, the officer observed the offender to be unsteady on his feet, swaying side to side, and struggling to get into the passenger seat of a vehicle. The offender observed the offender's eyes were bloodshot, red, glassy, and he was having a hard time keeping his balance when leaning on his vehicle for support. The offender had to be assisted by the officer, to prevent him from falling. While trying to speak with the offender, an odor of alcohol was detected. The officer observed a full untapped 26 oz can of malt liquor, four loko, on the passenger floorboard. The offender was nonverbal when officers would speak to him and would just stare at the officers or off into the distance. The offender was asked if he was okay, and he responded, "I'm fucked up."

While attempting to communicate with the offender, he became verbally aggressive with one officer, calling him a "bitch". The offender also became aggressive with his brother. The offender began hitting the rear window of his car with his fist. The officer's grabbed the offender's arm, in an effort to prevent him from breaking the window and hurting himself. Due to his aggressive behavior and resistance to officers, he was placed into custody. Once sober, he was released from custody.

On April 21, 2021, the offender reported to the U.S. Probation Office to discuss the public intoxication arrest. The offender reported he received news that his grandmother was extremely ill and was in terminal health. The offender stated he did not know how to cope with the news about his grandmother declining health and reverted to using substances to cope. He acknowledged he did not want to begin using his drug of choice, methamphetamine, and decided that alcohol would be a better choice.

**U.S. Probation Officer Action:** The offender is currently unemployed; however, he will seek legitimate employment once he receives his identification and Social Security card. He is active in co-occurring treatment and submitting urine specimens at Lifetime Recovery in San Antonio, Texas. The offender will speak to his therapist and participate in treatment to address addiction issues and poor coping skills. At this time, no further court action is requested. Accordingly, the Court reserves the right to revisit these allegations in the future. In addition, should the offender incur any further violations, the Court will be immediately notified.

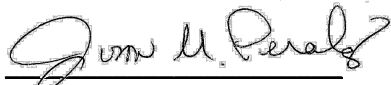
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Respectfully submitted,



Stefanie A. Colburn  
United States Probation Officer  
Date: 4/22/2021

Approved:



Juan M. Peralez  
Supervising United States Probation Officer

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**THE COURT ORDERS:**

☒ No Action

☐ Submit a Request for Modifying the Conditions or Term of Supervision

☐ Submit a Request for Warrant or Summons

☐ Other



Honorable Susan Hightower  
United States Magistrate Judge

Date: April 26, 2021